

MEMO ENDORSED

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July 9, 2012

**VIA FACSIMILE
(212) 805-7900**

Honorable Kimba M. Wood
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: Short et al v. Manhattan Apts., Inc. et al (11 CV 5989)(KMW)

Dear Judge Wood:

As you know, I represent Defendants Manhattan Apartments, Inc. and Abba Realty Associates, Inc. in the above referenced proceeding. I write pursuant to Your Order of July 2, 2012, in which You directed Defendant Manhattan Apartments, Inc. ("Manhattan") to produce all documents requested by Plaintiffs by July 10, 2012, upon Plaintiffs' motion to compel the production of the same.

Given the sensitive and proprietary nature of the information requested, attached as Exhibit A is a proposed Stipulation and Order of Confidentiality for the Court's endorsement. Defendant Manhattan hereby reaffirms its intent to keep confidential all such information produced, and specifically reserves all rights regarding said production.

In response to Your Order of July 2, 2012, Defendant Manhattan, with its counsel, again analyzed and reviewed its electronic databases of rental listings to identify responsive documents. Specifically, Plaintiffs' requests at issue are the following:

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1. The screens for each landlord account and for each rental listing in the database from July 1, 2010 to June 30, 2011 containing information about rental listings, occupancy date, price and the landlord's rental requirements.
2. The screens from the closed listings database that contains information about apartments rented from July 1, 2010 to June 30, 2011.

With respect to the first item, Defendant Manhattan has advised Plaintiffs' counsel that it has no such documents. Defendant Manhattan maintains two databases – one for active listings and one for closed listings. Several of Defendant Manhattan's employees – Ariana Dedes and Jonas Sigle, confirmed that its active listings database does not contain landlord accounts and rental listings from July 1, 2010 to June 30, 2011. The active database contains only active listings. It cannot be queried by date, and when a new listing is entered, it replaces the prior listing from the same landlord, or account. Defendant Manhattan will respond formally to Plaintiffs' first request by affidavit to that effect by the deadline set in Your Order of July 2, 2012. As a result, Defendant Manhattan does not possess documents responsive to the first request.

With respect to the second item, Defendant Manhattan is producing in hard copy the screens from the closed listings database that contains information about apartments rented from July 1, 2010 to June 30, 2011. Because its closed listings database also may not be queried by date, it is necessary to print the screens from all of the listings in the database and then review and select only those responsive to the applicable request.

Although Defendant Manhattan currently is in the midst of this print and review of the closed listings, the closed listings database contains over 20,000 multi-screen/page listings, thus requiring additional time in which to produce the responsive documents. As such, we respectfully

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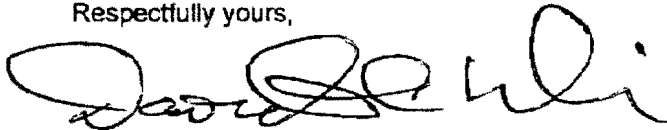
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ask the Court to extend the time for Defendant Manhattan to produce said documents from July 10, 2012 to July 17, 2012.

This is Defendant Manhattan's third request for an extension of the discovery deadline. Plaintiffs, by and through their counsel, consent to this application. If granted, this request will affect the currently scheduled conference for July 18, 2012 at 11:00 am. A proposed, revised Scheduling Order is attached herewith as Exhibit B.

Thank You for Your time and attention.

Respectfully yours,




David C. Wims, Esq. (DW-6964)

cc: Armen Merjian, Esq. (via Facsimile)
Diane Houk, Esq. (via Facsimile)

The extension of the discovery deadline is granted, to July 17, 2012. The currently scheduled conference is adjourned to July 31 at 4:30 p.m.

7-10-12

SO ORDERED, N.Y., N.Y.


KIMBA M. WOOD
U.S.D.J.